

United States District Court  
Eastern District of Michigan

Amy Tripp, Conservator of RRKC, a  
minor,

Plaintiff,

Civil No. 21-12859

v.

Honorable Judith E. Levy

United States of America,

Defendant.

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**HIPAA Qualified Protective Order and Order Authorizing Disclosure of  
HIPAA Information**

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This matter involves allegations of medical malpractice and claims for future medical damages. During discovery, the parties requested and subpoenaed RRKC's medical records and deposed RRKC's treating physicians. Discovery is closed and trial is set for July 2024. Plaintiff and the United States have listed RRKC's medical records and numerous treating physicians in their Fed. R. Civ. P. 26(a)(3) pre-trial disclosures. Therefore, RRKC's medical treatment and conditions remain at issue for trial. Accordingly, in order to facilitate the parties' preparation for trial and presentation of relevant evidence in an efficient manner, the Court finds it appropriate to enter an order under the Health Insurance Portability and

Accountability Act and 45 C.F.R. § 164.512(e)(1) to permit the parties to communicate with RRKC's treating medical providers in order to determine whether the witnesses possess relevant information, whether the information possessed by each witness warrants calling them to testify at trial, and, if so, to prepare the efficient presentation of the witness's trial testimony.

It is hereby **ORDERED** that, as authorized by the Health Insurance Portability and Accountability Act and 45 C.F.R. § 164.512(e)(1), that RRKC's examining, testing and/or treating doctors, nurses and other medical personnel may discuss their impressions of RRKC's respective medical conditions and treatments with counsel for the parties.

It is further **ORDERED** that counsel for defendant is prohibited from using any such discussed or provided healthcare information for any purpose other than as a part of this litigation.

It is further **ORDERED** that counsel shall provide a copy of this order to RRKC's examining, testing and/or treating doctors, nurses and other medical personnel before the medical provider discloses RRKC's protected healthcare information covered by HIPAA.

It is further **ORDERED** that counsel shall provide clear and explicit notice to RRKC's medical providers about the purpose of the interview and counsel must inform RRKC's medical providers that they are not required to speak to defense

counsel. Counsel will also inform RRKC's medical providers that they may have an attorney of their choosing present at the interview.

It is further **ORDERED** that, pursuant to 45 C.F.R. § 164.512(e)(1)(v), upon completion of this litigation, counsel for defendant shall destroy any copies of any documentary healthcare information received from any health care provider based on this order.

IT IS SO ORDERED.

Date: June 3, 2024  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 3, 2024.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager